



# INVESTIGATIVE PHOTOGRAPHS

FC No.: 626

Date: 05-18-04

## Contents:

- I. Policy
- II. Who May be Photographed
- III. When Consent is Not Required
- IV. When Consent is Required
- V. Use of Force
- VI. Maintenance of Photographs
- VII. Return of Photographs
- VIII. Proponent Unit
- IX. Cancellation

### I. Policy

The policy of the department is to use photographs of individuals as an aid to criminal investigations. Identification should be the primary reason for photographing an individual. Officers shall not take any surveillance photographs or solicit the random photographing of any individual based solely upon the individual's race, gender, ethnicity, religious affiliation, or any other protected class.

### II. Who May be Photographed

Officers conducting criminal investigations occasionally photograph individuals in the field for identification or investigative purposes. The officer may have reason to believe that the individual is a suspect in a crime or may simply need to identify the person for other reasons related to an investigation. An individual may be photographed in the following situations:

1. Following an arrest
2. Following the issuance of a criminal or civil citation to confirm identification (i.e., in-court identification)
3. When stopped on "reasonable suspicion" of criminal activity
4. During a surveillance operation
5. Whenever a field interrogation report is written, subject to the guidelines provided in this directive (CALEA 41.2.4)
6. When consent is given

Officers shall not require individuals to submit to photographing absent "reasonable suspicion" that the individual is, or has been, engaged in criminal activity. (CALEA 82.3.7.c)

### III. When Consent is Not Required

Consent is not required to photograph a subject under the following conditions:

1. Surveillance photographs
2. Lawful arrest
3. ***When issuing a criminal or civil citation***
4. When an individual is stopped upon "reasonable suspicion" of criminal activity
5. When an individual is detained on the premises that is the subject of a search warrant during the execution of that warrant

### IV. When Consent is Required

- A. Consent is required to take photographs of individuals during routine field contacts where there is no "probable cause" or "reasonable suspicion" of criminal activity.
- B. Individuals must freely give their consent. They must not be threatened, pressured, or coerced into giving consent. For example, officers will not withhold a person's driver's license or other ID until consent is given.

### V. Use of Force

- A. Reasonable and necessary force may be used to compel an individual to submit to a photograph when under arrest.
- B. The use of physical force is prohibited to compel an individual to submit to a photograph unless the individual is under arrest.

### VI. Maintenance of Photographs

- A. Photographs will be maintained and utilized in a manner that is consistent with state and federal laws and departmental directives. (CALEA 54.1.1.e)
- B. ***Digital photographs and negatives which have evidentiary value (i.e., crime scenes, fatal accidents, etc.)*** will be stored as evidence per department evidence control guidelines outlined in FC 721, "Evidence/ Recovered Property."

- C. *Investigative photographs taken in conjunction with a field interrogation report will be forwarded to the Crime Analyst who will distribute per district/ unit SOP.*
- D. *Detectives routinely conduct photo arrays and maintain photographs in case files. Those photos will remain within their respective units, consistent with the bureau/unit SOP.*
- E. Photographs that are no longer needed for evidentiary purposes may be stored in a centralized location in a district/unit and may be used as fillers for photo arrays or as part of intelligence files.

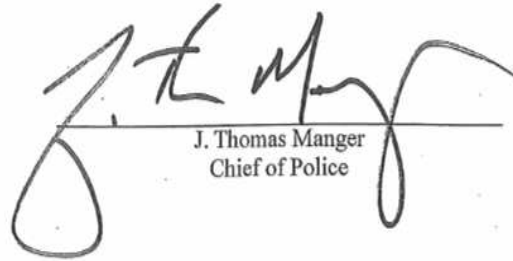
#### **VII. Return of Photographs**

- A. Under the following circumstances photographs must be returned to individuals upon written request to the district/unit commander:
  - 1. The individual has been cleared during an investigation and there is no valid reason to keep the photograph for investigative purposes in the case.
  - 2. The individual was photographed during a routine field interrogation in which there was no "reasonable suspicion" of criminal activity.
- B. In all instances, the department may retain photographs until the expiration of the civil statute of limitations (usually three years) or until the conclusion of any relevant civil litigation.

#### **VIII. Proponent Unit: FSB and ISB Administrations**

#### **IX. Cancellation**

*This directive cancels Function Code 626, dated 01-05-99.*



J. Thomas Manger  
Chief of Police